Chuitna Legal Indicators - NARF

Listed below is a chronological time-line of significant developments in the 2013/2014 period related to the NEPA/106 process:

July 2013: Field work is done by NVT's experts on The Nature Conservancy property (adjacent to where Ladd landing off-loading facility will be built) to examine middens associated with house pit sites to substantiate that the archaeological district is individually eligible under Criterion A for its significance to subsistence practices over time. In the process of doing field work, NVT's experts inadvertently discover cremation remains. Carbon testing finds that the bones were those of a young Denaina woman who died pre-contact in the mid 1880s.

August 2013: Based on NVT's field survey of The Nature Conservancy property and the inadvertent discovery of a cremation in the proximity of a previously discovered house site that was identified by Mobley but not included in PacRim's inventory of known cultural resources, NVT's experts prepare and submit a Report to the Corp, SHPO, the Keeper, and the ACHP, documenting the fact that new information has come to light which indicates a revised district boundary and therefore a revised APE, one defined historically not on the basis of the project area. The Report also makes the case for a finding of eligibility under Criterion A.

August 2013: PacRim agrees to undertake additional field research in 2014 to identify cultural resources for the elevated conveyor route, the new private mine access road, and the new camp facilities location.

September 2013: SHPO sends letter of concurrence to the Corp. that the Ch'u'itna Archaeological District is individually eligible under Criterion A with suggestion that it may also be a contributing component of historical significance within a larger traditional landscape.

October 2013: NVT and its expert Dr. Alan Boraas travel to Washington D.C. where they meet with representatives of the Keeper, ACHP, and the Corp. A presentation is made on why new information supports a finding that the Ch'u'itna Archaeological District is individually eligible under Criterion A. A formal request is made that the three agencies concur with SHPO's determination that the Ch'u'itna Archaeological District is individually eligible under Criterion A.

November 2013: Negotiations proceed on questionnaire related to ethnographic information with an emphasis on subsistence use patterns and customary and traditional understanding of cremation practices.

December 2013: Col. Lestochi assigns a new Program Manager to Ch'u'itna to take over the development of the SEIS. Heidi Firstencel, the new Project Manager, in turns brings in a new section 106 expert to review NVT's findings and suggestions regarding the Ch'u'itna Archaeological District and the requested expansion of the APE.

- January 2014- April 2014: Heidi Firstencel coordinates monthly co-operating agency meetings and begins to focus in on outstanding issues that must be resolved before the SEIS can be resolved. She prioritizes NVT's cultural resource work.
- May 2014: The Keeper sends a letter of concurrence to the Corp that the Ch'u'itna Archaeological District is individually eligible under Criterion A.
- **June 2014:** Project Manager Firstencel, her section 106 expert, and various D.C. Corp personnel make a site visit to Tyonek to meet with NVT and its experts and to see firsthand the cultural resource sites that are the subject of NVT's request to expand the archaeological district.
- July 2014: The Corp makes a determination that 1) the Ch'u'itna Archaeological District is individually eligible under Criterion A; 2) the boundary of the Ch'u'itna Archaeological District should be expanded to include a broader area beyond the APE to include other historic properties significant to the Tribe that contribute to the Ch'u'itna Archaeological District; 3) there is a need to further consider whether the Ch'u'itna River itself is a significant contributing factor to the historical district for its importance to salmon and the salmon culture of the Tebughna Denaina people that used and occupied the land for the past 1,000 years; 4) the Corp indicates that the existing APE will be modified to coincide with the Ch'u'itna Archaeological District.
- **July 2014:** PacRim completes its 2014 field work on the elevated conveyor route, the new private mine access road, and the new camp facilities location. A Report to be forthcoming.
- July 2014: NVT's experts commit to drafting a Report similar to the Klamath River Cultural Landscape to justify finding that the Ch'u'itna River itself is a significant historic property and/or a contributing factor to the historical district for its importance to salmon and the salmon culture of the Tebughna Denaina people that have relied on salmon as a keystone species for the past 1,000 years.
- **August 2014:** The Corp announces at its section 106 meeting that the parties will next take up the negotiation of the Programmatic Agreement which will contain mitigation procedures for avoiding direct and indirect adverse impacts to cultural resources.
- **August 2014:** The Corp begins review of developer's Compensatory Mitigation Plan and requests review and comment from co-operating agencies. Initial Corp. review indicates that developer cannot meet compliance obligations under 404(b). Co-operating agencies, including Tribe, schedule government to government meeting with Corp. to further identify data and technical gaps in plan.
- **September –October 2014:** NVT through NARF, retain specially trained forensics dogs to "alert" and identify burial remains and cremations. Numerous locations

were identified within the Ch'u'itna Archeological District Boundary that overlaps with the Chuitna Mine Permits and the Proposed Mine Facilities.

November 2014: the Corp. announces hiatus in NEPA and Section 106 proceedings until January 1, 2015.

November 2014: NVT travels to D.C. to present its preliminary draft of "The Case for a Ch'uit'nu Traditional Cultural Landscape, Cook Inlet, Alaska" to ACHP and the Keeper.